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VIZIO, Inc.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

OPLUS TECHNOLOGIES, LTD.,

Plaintiff,

v.

SEARS HOLDINGS CORPORATION;  
VIZIO, INC.,

Defendants.

CASE NO.: CV12- 5707 MRP (Ex)

Hon. Judge Mariana R. Pfaelzer

**DEFENDANT VIZIO, INC.'S  
NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT OF INVALIDITY OF  
U.S. PATENTS NOS. 6,239,842 AND  
7,271,840 UNDER 35 U.S.C. §§ 101  
AND 112**

DATE: February 4, 2013

TIME: 11:00 a.m.

PLACE: Courtroom 12

**NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that at 11:00 a.m. on February 4, 2013, or as soon thereafter as counsel may be heard, Defendant VIZIO, Inc. (“VIZIO”) will, and hereby does, move this Court, the Honorable Mariana R. Pfaelzer presiding, for Summary Judgment of Invalidity of U.S. Patents Nos. 6,239,842 and 7,271,840 under 35 U.S.C. §§ 101 and 112.

This motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities and appendices thereto, Statement of Uncontroverted Facts and Conclusions of Law, Declarations of Charles C. Koole and Dr. Sheila S. Hemami in support of this Motion and exhibits thereto, all pleadings and papers on file in this action, and upon such other matters as may be presented to the Court at the time of the hearing.

In accordance with the Court’s standing order and Civil Local Rules, VIZIO counsel certifies that they met and conferred with Oplus Technologies, Ltd.’s (“Oplus”) counsel prior to filing this motion. On November 16, 2012, VIZIO counsel met and conferred telephonically with Oplus counsel to discuss the grounds for this Motion. Declaration of Charles C. Koole, ¶12. On the same day, after a request from Oplus counsel for further elaboration, VIZIO counsel sent an email further directing Oplus counsel to VIZIO’s Invalidity Contentions, which detail the invalidity of the asserted patent claims under 35 U.S.C. §§ 101 and 112, and provided case authority. *Id.* at ¶13. After a further request from Oplus counsel for more information, on January 2, 2013, VIZIO counsel provided Oplus counsel with a an advance copy of the brief supporting this Motion prior to filing it. *Id.* at ¶14.

Dated: January 7, 2013

Respectfully submitted,

By: /s/ Adrian M. Pruetz

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